

MANDATE

**United States Court of Appeals
For the First Circuit**

05-11046
USDC/MA
Young, W.

No. 05-2612

JUNE NURSE, ET AL.,
Plaintiffs, Appellants,
v.

ST. JOHN ST. JAMES INCORPORATED,
Defendant, Appellee.

Before
Boudin, Chief Judge,
Selya and Lipez, Circuit Judges.

JUDGMENT
Entered: September 26, 2006

Plaintiffs-appellants June Nurse and her minor daughter Cavarah Nurse appeal from the district court's dismissal of their complaint for lack of subject matter jurisdiction. They do not dispute that both the plaintiffs and the defendant are citizens of Massachusetts for purposes of 28 U.S.C. § 1332. Instead, appellants maintain that the court had federal question jurisdiction under 28 U.S.C. § 1331 because the complaint is pursuant to 42 U.S.C. § 1981. We agree with the district court that neither the complaint nor the amended complaint alleges a civil rights violation. The district court's orders dismissing the case and denying the plaintiffs' motion for reconsideration and motions for "Three Judge District Court" and for clarification of the denial of that motion, are affirmed. The appellants' pending "Motion to Adjudge Proceedings on its Totality" is denied as moot.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

Deputy Clerk
Deputy Clerk

Date: 10/17/06

By the Court:
Richard Cushing Donovan, Clerk.

MARGARET CLEVER
By: _____
Chief Deputy Clerk.

[cc: June Nurse, St. John St. James Incorporated]